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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,455	03/25/1999	ALAN ROY FERSHT	674508-2001	2127

20999 7590 06/21/2002  
FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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FIELDS,IESHA P

ART UNIT	PAPER NUMBER
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1645  
DATE MAILED: 06/21/2002

25

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/276,455	<b>Applicant(s)</b> FERSHT ET AL.
	<b>Examiner</b> Iesha P Fields	<b>Art Unit</b> 1645
	<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>	
<p>THE REPLY FILED 5/13/02 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>		
<b>PERIOD FOR REPLY</b> [check either a) or b)]		
<p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p>		
<p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p>		
<b>ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</b>		
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
<p>1. <input type="checkbox"/> A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</p>		
<p>2. <input type="checkbox"/> The proposed amendment(s) will not be entered because:</p> <ul style="list-style-type: none"> <li>(a) <input type="checkbox"/> they raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) <input type="checkbox"/> they raise the issue of new matter (see Note below);</li> <li>(c) <input type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims.</li> </ul> <p>NOTE: _____. </p>		
<p>3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. </p>		
<p>4. <input type="checkbox"/> Newly proposed or amended claim(s) _____. would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). </p>		
<p>5. <input type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____. </p>		
<p>6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. </p>		
<p>7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a)<input checked="" type="checkbox"/> will not be entered or b)<input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. </p>		
<p>The status of the claim(s) is (or will be) as follows:</p>		
<p>Claim(s) allowed: _____. </p>		
<p>Claim(s) objected to: _____. </p>		
<p>Claim(s) rejected: <u>1,9-21 and 29-31</u>. </p>		
<p>Claim(s) withdrawn from consideration: _____. </p>		
<p>8. <input type="checkbox"/> The proposed drawing correction filed on _____. is a)a)<input type="checkbox"/> approved or b)<input type="checkbox"/> disapproved by the Examiner. </p>		
<p>9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____. </p>		
<p>10. <input type="checkbox"/> Other: _____. </p>		

**ADVISORY ACTION**

Applicant's amendment filed May 5, 2002 (Paper No. 24) will not be entered because the claims recite new limitations. The new limitations in the proposed claims raise new issues that would require further consideration and search. For example, the new limitations proposed in claim 1 "an amino acid sequence wherein positions 262 and 267 are occupied by amino acid residues other than alanine and isoleucine" have not been previously considered and require a new literature and sequence search and further consideration. Applicant's arguments drawn to the claims as amended are moot in view of the non-entry of the proposed amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iesha P Fields whose telephone number is (703) 605-1208. The examiner can normally be reached on 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (703) 308-3909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3014 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Iesha Fields  
June 20, 2002



MARK NAVARRO  
PRIMARY EXAMINER